



April 8, 2004

Ms. Dawn Landry
Senior Policy Advisor
Ontario Ministry of the Environment
135 St. Clair Avenue West, 11th Floor
Toronto, ON M4V 1P5

RE: OPPI Submission
White Paper on Watershed-based Source Protection Planning (February 2004)

Dear Ms. Landry:

We are very pleased to provide this submission on the *White Paper on Watershed-based Source Protection Planning*. The Ontario Professional Planners Institute (OPPI) represents Ontario's professional planning community, and is the only organization that brings all Ontario planners together. OPPI currently has some 2600 members. Our members include both public and private sector municipal, land use and environmental planners who are active in formulating the land use and environmental policies and decisions which shape the land use fabric in Ontario. An objective of OPPI is to improve the quality of the Ontario environment and communities by the application of sound planning principles.

Background

OPPI members have extensive experience and interest in watershed-based planning in Ontario. OPPI provided a submission to Part 2 of the Walkerton Inquiry in October 2001. The focus of our submission was on the Inquiry's questions pertaining to the watershed planning process, and the regulation of other land uses and their interaction with a watershed management planning process.

Following a review of *The Part 2 Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water*, OPPI also submitted a July 17, 2002 response to the Ministry of the Environment (the Ministry), expressing support of Justice O'Connor's recommendations for a comprehensive watershed-based source protection planning system. We noted that OPPI would favour a consolidated legislated approach that integrates whatever new components are required within the existing overall planning and legislative system.

OPPI members have undertaken a review of the *White Paper on Watershed-based Source Protection Planning* and attended the recent consultation sessions hosted by the Ministry. We believe that the proposed process could have significant implications for land use planning and policy in Ontario. Our comments, which focus on Section 3.0 of the White Paper (Proposed Source Water Protection

Legislation), are provided below. We do not comment on improving the management of water takings in Ontario.

Implications for Land Use Planning in Ontario

While OPPI supports watershed based planning initiatives, we believe that a number of key issues which have implications for land use planning in Ontario have not been addressed in the White Paper. For example, the White Paper is silent on how the proposed process would be integrated with any of the existing planning tools. There are a range of existing available planning tools (e.g., Official Plans, Zoning By-laws, Secondary Plans, Site Plan Control) that can be used to implement recommendations arising from a watershed planning exercise. The broader watershed planning process and the more local planning instruments are integrally linked and are dependent on each other to ensure that desired land use and environmental protection mechanisms are implemented. The key is to ensure that information and knowledge obtained through the watershed planning process is translated into policies that can be implemented. Ultimately, all planning processes must be complementary and used together to arrive at optimal decisions regarding water resource protection.

The White Paper is remiss in explaining how the proposed process would be integrated with land use planning and water management objectives in municipal planning documents. We strongly recommend that the planning process address how the product of the Source Protection Plans becomes incorporated into existing Official Plan and Zoning By-law regimes. There needs to be some direction regarding how Official Plans and Zoning By-laws are to be amended to reflect the content and policies of the Source Protection Plans. Perhaps the experience regarding mechanisms for bringing regional and local planning instruments into conformity with the Oak Ridges Moraine Conservation Plan might be useful in this regard.

We further recommend that the White Paper, and the planning process contained therein, establish and elaborate on the linkages to the *Planning Act*, the *Provincial Policy Statement* and the *Municipal Act*. We believe that integration of relevant legislative requirements, rather than primacy, should be the desired goal.

In addition, there is no indication of how the proposed process relates to the current system for subwatershed planning, as developed jointly by the Ministries of the Environment and Natural Resources. There is a need to clarify the scope of the proposed planning process – i.e., is the proposed process strictly intended to address wellhead protection or is there a mechanism for broader environmental protection within the watershed (such as with the current subwatershed planning process in Ontario)?

Role of Source Protection Planning Board and Source Protection Planning Committee

The White Paper notes that the key roles of the Source Protection Planning Board are to review the work of the Source Protection Planning Committee, to consider objections to watershed plans and to attempt to resolve outstanding issues. We feel that there is a need to clarify the roles and

responsibilities of the Source Protection Planning Boards and the Source Protection Planning Committee. We would question whether there is value added to the proposed arrangement in which the Board would oversee the activities of the Committee. Generally, we feel that the complex administrative structure should be re-examined with the goal of simplifying the review and decision-making process.

Guidance Materials

We strongly urge the Ministry to develop appropriate guidance materials to assist those who are given the responsibility of developing the Source Protection Plans. Too frequently, relevant guidance materials are not available in a timely manner. We believe that effective guidance will be required to ensure consistency in the development and implementation of these plans in Ontario.

Recent Groundwater Studies in Ontario and their Relationship to the White Paper

Many of the Regional Groundwater Studies completed by Conservation Authorities, and similar work completed by Ontario municipalities in recent years provide an extensive foundation for the proposed source protection planning process. This foundation should be recognized more clearly in the White Paper, and utilized to avoid duplication and “reinventing the wheel”. The groundwater studies provide extensive technical information regarding not only the municipal wellhead capture zones, but also the existing groundwater usage, regional aquifer characterization and levels of susceptibility to impacts (high, medium or low). Although the primary focus of these studies was on the description and assessment of groundwater resources, relevant surface water issues were also addressed. These studies also highlighted the data gaps that presently exist – this information could potentially provide the initial focus for the work of the Source Protection Planning Committees.

These studies also involved the development of groundwater/water resource protection strategies, involving multi-stakeholder consultation. In the studies completed in southwestern Ontario for example, the strategies were developed and refined through a series of meetings with Steering Committees and focus groups, and workshops involving 40 to 50 stakeholders, including representatives of local municipalities, Conservation Authorities, agricultural associations, health units and provincial ministries. A comprehensive, “big picture” approach was used in order to clarify the mechanisms and measures currently in place for water resource protection, and the new measures that may be needed.

We also recommend that model policies for water resource protection be included in the White Paper. The model policies would provide concrete guidance regarding how the management actions identified in a Source Protection Plan can be incorporated into municipal Official Plans and implementing By-laws.

As noted above, we believe that the proposed process could have significant implications for land use planning and policy in Ontario. We believe that there are a number of significant outstanding issues that need to be addressed, including how the proposed process relates to the current regimes of subwatershed planning and land use planning undertaken by municipalities. These are substantive issues that are not addressed in the White Paper.

Thank you very much for the opportunity to provide comment on this matter. We would welcome the opportunity to work with you to address these issues and would be pleased to discuss any of the points noted in this submission. We look forward to your response. In the meantime, if you have any questions, please contact Loretta Ryan, Manager Policy & Communications 416 483-1873 ext 26.

Yours truly,

Jeff Celantano, MCIP, RPP
Director of Policy Development

cc. Ms. Mary Ann Rangam - Executive Director, OPPI
Ms. Dianne Damman - Environmental Working Group, OPPI